



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

AUG 20 2013

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #7010 2780 0002 4354 8283

Manufacturing Specialties Inc.
P.O. Box 789
Hutchins, Texas 75141-0789

Re: **Manufacturing Specialties Inc., Superfund Site, Dallas County, Texas**
SSID: A6DC

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Manufacturing Specialties Inc., (MSI) in providing information and documents relating to the Manufacturing Specialties Inc., Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. MSI's response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require MSI to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we respectfully request MSI respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of MSI with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Stephen Capuyan, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Capuyan at (214) 665-2163. For legal questions concerning this letter, please have your legal counsel contact Amy Salinas, Senior Attorney, at (214) 665-8063. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "B. Banipal", with a stylized flourish at the end.

Ben Banipal, P.E.
Acting Associate Director
Technical and Enforcement Branch (6SF-T)
Superfund Division

Enclosures (3)

ENCLOSURE 1

MANUFACTURING SPECIALTIES INC., SUPURFUND SITE INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Stephen Capuyan, the designated Enforcement Officer for the Site, at phone number (214) 665-2163, fax number (214) 665-6660 or via email at capuyan.stephen@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Stephen Capuyan, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Amy Salinas at phone number (214) 665-8063, fax number (214) 665-6660 or via email at salinas.amy@epa.gov. For contact via mail, use the following address:

Amy Salinas, Senior Attorney
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The former MSI property consists of an 11,000 square foot concrete slab where the main production building was located before it completely burned down in September 2007. Other improvements at the property include a shed and two above-ground storage tanks (ASTs) in a concrete impoundment. The metal pole shed is approximately 1,300-square feet in size, roofed, walled on 3-sides, and built on a concrete slab foundation. The ASTs are both approximately 11 feet tall and 9 feet in diameter, and sounded empty when struck with a pipe. The ASTs are located in an approximately 1,600-square foot concrete impoundment with 2.5-foot high walls. The property is surrounded by a 6-foot chain link fence topped with three strands of outward angled barbed wire. Directly north and west of the former MSI property is a commercial/industrial area. Ferrell Gas LP (Blue Rhino propane) owns and operates from two properties directly north/northwest of the former MSI property. A trucking company, Protech, operates from the property directly west, the former MSI property, across Carpenter Road. The properties directly south and east of the former MSI property appear to be used for some type of agricultural purpose. The nearest residence is approximately 650 feet east of the former MSI property near the intersection of Della Road and Vanderbilt Road.

MSI initially registered as a small quantity generator of hazardous waste with the Texas Water Commission, a TCEQ predecessor agency, on June 11, 1992. According to MSI's Notice of Registration (NOR), MSI first started generating a waste mixture of mineral spirits, pigments, and powder dyes in 1994. These wastes are classified by EPA Form Code W209: paint, ink, lacquer, or varnish and EPA Hazardous Waste Numbers D001 and F005, solvents. Spent solvent wastes (EPA Hazardous Waste Numbers F003, ignitable wastes, and F005, solvents) were also generated until November 1998. MSI ceased manufacturing activities following a fire that destroyed the main production building on September 30, 2007 (Ref. 5, pp. 1-2). On October 1, 2007, following the fire, the facility registered the disposal of wastewater and other inorganic liquids; soil contaminated with organics; and fire debris such as metal scale, filings, and scrap.

ENCLOSURE 2

MANUFACTURING SPECIALTIES INC., SUPURFUND SITE INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in the Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Information Request any information which might otherwise be construed to be outside its scope.
2. The term "**any**," as in "any business records" for example, shall mean any and all.
3. The term "**arrange**" and "**arrangement**" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "**disposal**" shall mean any placement of hazardous wastes or products of hazardous wastes on land.
5. The term "**Facility**" or "**Facilities**" shall mean any corporation, non-incorporated business or person conducting business and/or operating on property in the area of the Site known as the Manufacturing Specialties Inc., Superfund Site in Dallas County, Texas.
6. The term "**hazardous material(s)**" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes as defined below.
7. The term "**hazardous substance(s)**" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
8. The term "**hazardous waste(s)**" shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
9. The term "**identify**" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
10. The term "**identify**" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to a sole proprietorship), to set forth its full name, address, legal form (e.g., state of incorporation for a corporation, partnership, etc.), organizational structure, a brief description of its business, and to indicate whether or not it is still in existence. If the business is no longer in existence, explain how its existence was terminated and indicate the date on which it ceased to exist.

11. The term “**identify**” means, with respect to a document, to provide the type of document, its customary business description, its date, its invoice or purchase order number (if any), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
12. The term “**material(s)**” shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
13. The term “**operator**” or “**owner**” shall have the same meaning as in Subsection 101(20) of CERCLA, 42 U.S.C. § 9601(20), any person who owned, operated or otherwise conducted activities at the Facility.
14. The term “**person**” shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States Government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
15. The terms “**pollutant**” or “**contaminant**,” shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall include any agents which may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
16. The term “**Provide**” shall mean to submit a copy with the responses to the questions or make the documents available for EPA review.
17. The term “**release**” has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
18. The term “**Site**” shall mean the Manufacturing Specialties Inc., Superfund Site in Dallas County, Texas.
19. The terms “**transaction**” or “**transact**” shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
20. The term “**treatment**” shall mean any alteration to the composition of a hazardous substance or pollutant through chemical, biological, or physical means, which reduces toxicity, mobility, or volume of the contaminated materials.
21. The terms “**you**” or “**respondent**” shall mean the addressee of the Information Request, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assignees, and agents.

ENCLOSURE 3

MANUFACTURING SPECIALTIES INC., SUPERFUND SITE INFORMATION REQUEST

QUESTIONS

GENERAL INFORMATION CONCERNING RESPONDENTS

Please state the full legal name and mailing address of the Respondent. In addition, for each person answering these questions on behalf of the Respondent, provide full name, title, business address, and business telephone and facsimile number. Please also provide contact information for the person you choose to designate as the contact for future correspondence from the EPA.

REQUEST FOR DOCUMENTS

Please identify (*see* Definitions) and provide copies of all documents (*see* Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question. For each document copy produced in response to this request for documents, indicate on the document, or in some other reasonable manner, the question and subpart (*e.g.*, a, b, c, d, e, or f) of the question to which it corresponds.

SPECIFIC INFORMATION RELATING TO SITE OPERATIONS

1. Identify the person(s) that provides answers to the questions below on behalf of the Manufacturing Specialties Inc. (Respondent).
2. Does the Respondent wish to designate an individual for future correspondence from the U.S. Environmental Protection Agency that associates the Respondent to this Site? If yes, please provide the individual's name, address, telephone number, and fax number.
3. Please provide Respondent's current legal name, Respondent's previous legal name(s), previous fictitious name(s), Federal Identification Number, Illinois corporate identification number, Delaware corporate seven digit file number, Illinois executive office mailing address, Illinois executive office phone number, and fax number.
4. Please identify the Respondent's corporate parent and all of its corporate subsidiaries.
5. Identify the current owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
 - a. Describe each position, formal and/or informal, that you held with the Site. Your description should include, but not be limited to, the duties and responsibilities of each position; the actual tasks that you performed, both routinely and occasionally, and the dates that you held each position.

6. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
7. Identify all prior owners of the Site. For each prior owner, further identify:
 - a. The dates of ownership;
 - b. All evidence showing that they controlled access to the Site; and
 - c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.
8. Do you have any reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information they may have?

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Sent To **Manufacturing Specialties Inc.**
P.O. Box 789
Hutchins, Texas 75141-0789
PS Form 3849, January 2002